IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WA.No. 2402 of 2006(A)

{IN W.P.(C)NO.24183/2006 OF THIS COURT}
.....

APPELLANT/PETITIONER:

R. DHANALAKSHMY, PROPRIETRIX,
M/S.SEEMATTI, MAIN ROAD, KOLLAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS/RESPONDENTS:
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1. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY,
THIRUVANANTHAPURAM.

2. THE SENIOR DIVISIONAL COMMERCIAL
MANAGER, SOUTHERN RAILWAY
DIVISIONAL OFFICE,
COMMERCIAL BRANCH,
THIRUVANANTHAPURAM.

BY ADV. SRI.ALEXANDER THOMAS, SC,RAILWAYS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A.No.2402 of 2006

Dated this the 28th day of May, 2007

JUDGMENT

H.L. DATTU, C.J.

The challenge in this appeal is against the orders passed by the learned single Judge in W.P.(C)No.24183/06 dated 29.11.2006.

2. This court, while entertaining the writ petition by its order dated 21.12.2006, had directed the appellant to deposit a sum of Rs.4,96,000/- as demanded by the respondents under protest within a month's time from the date of the order.

3. The matter was posted before the court once again on 13.2.2007. A submission was made by the learned standing counsel for the Railways that the appellant has not complied with the orders and directions issued by this court on 21.12.2006. Taking note of this submission made by the standing counsel, this court was pleased to observe that if the appellant has not complied with the orders and directions issued by this court, the Railways are at liberty to take appropriate steps.

4. The matter is now posted for hearing. Learned standing counsel for Railways submits that as the appellant has not deposited the amount as ordered by this court on 21.12.2006, they have terminated the contract that was awarded to the appellant.

5. First and foremost, it is expected of a litigant to obey the directions and orders issued by this court. If he/she is not able to comply with the order, he/she should make appropriate application for modification of the same.

6. In the instant case, this court had directed the appellant to deposit an amount within a particular time frame. In spite of lapse of time, the appellant has not deposited the amount as ordered by this court. A litigant, who does not comply with the orders and directions of this court, in our opinion, has no right of audience. Secondly, in view of the orders passed on 13.2.2007, the Railways have already terminated the contract that was awarded to the appellant. If for any reason the appellant is aggrieved, she has to approach the appropriate forum, which can record the evidence of the parties.

In that view of the matter, the appeal deserves to be rejected and it is rejected. Ordered accordingly.

Sd/-
H.L. DATTU,
CHIEF JUSTICE.

Sd/-
K.T. SANKARAN,
JUDGE.

Sk/

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P.S. To Judge